

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:23-cv-00029-MR-WCM**

**FIRST NATIONAL TITLE
INSURANCE COMPANY,**

Plaintiff,

vs.

BUCCANEER TITLE, LLC,

Defendant.

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**MEMORANDUM OF
DECISION AND ORDER**

THIS MATTER is before the Court on the Defendant's Partial Motion to Dismiss [Doc. 14] and the Magistrate Judge's Memorandum and Recommendation [Doc. 22] regarding the disposition of that motion.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, the Honorable W. Carleton Metcalf, United States Magistrate Judge, was designated to consider the Defendants' Motion to Dismiss.

On October 2, 2023, the Magistrate Judge filed a Memorandum and Recommendation, recommending that the Defendants' Partial Motion to Dismiss [Doc. 14] be granted and that the Plaintiff's claims for breach of fiduciary duty and negligence, gross negligence, and negligence per se be dismissed. [Doc. 22 at 13]. The parties were advised that any objections to

the Magistrate Judge's Memorandum and Recommendation were to be filed in writing within fourteen (14) days of service. On October 16, 2023, the Plaintiff filed an objection to the Memorandum and Recommendation. [Doc. 23]. On October 30, the Defendant filed a Reply to the Plaintiff's objection. [Doc. 24].

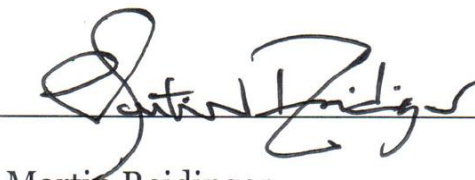
After careful review of the Magistrate Judge's Memorandum and Recommendation and the parties' filings, the Court finds that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's recommendations.

IT IS, THEREFORE, ORDERED that the Memorandum and Recommendation [Doc. 22] is **ACCEPTED**.

IT IS FURTHER ORDERED that the Defendants' Partial Motion to Dismiss [Doc. 14] is **GRANTED**, and the Plaintiff's claims for breach of fiduciary duty and negligence, gross negligence, and negligence per se, and its request for punitive damages, are **DISMISSED WITH PREJUDICE**.

IT IS SO ORDERED.

Signed: November 6, 2023

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger
Chief United States District Judge

